UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
- versus - :
ASARO, et al., :
Defendant :
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Docket#
14-cr-26(ARR)(MDG)

U.S. Courthouse
Brooklyn, New York

January 23, 2014

TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT
BEFORE THE HONORABLE MARILYN D. GO
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

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(Judge's microphone is not functioning properly thereby creating indiscernible portions in the record.)

THE CLERK: Criminal Cause for Arraignment on the indictment United States of America v. Vincent Asaro, Jerome Asaro, Jack Bonventre and John Ragano, case number 14-cr-26.

Counsel, please state your name for the record starting with the government.

MS. ARGENTIERI: Nicole Argentieri and Alicyn Cooley for the United States.

Good afternoon, Judge.

MR. MCMAHON: Gerald J. McMahon, 26 Broadway, New York, New York for the defendant Vincent Asaro.

Good afternoon, your Honor.

MR. FISHER: Good afternoon, Judge.

Lawrence Fisher, 233 Broadway, New York for Jerry Asaro.

MR. HOCHBAUM: Charles Hochbaum, 16 Court Street, for John Ragano in Brooklyn and I am standing up for Mr. Gordon Mehler who represents Mr. Bonventre who is standing to my right and Mr. Bonventre has -- I've talked to him. He's consented to my appearing for Mr. Mehler today.

THE COURT: I just want to confirm with Mr. Bonventre that you do consent to having Mr. Hochbaum stand in today on behalf of Mr. Mehler. And the purpose of these proceedings of course is to make sure that all of you know what the charges are against -- what charges have been brought against you and I understand you've been given a copy of the indictment.

And Mr. Hochbaum briefly discussed the nature of the charges with you, Mr. Bonventre?

MR. HOCHBAUM: Well, Mr. Bonventre received a copy of the indictment, Judge.

DEFENDANT BONVENTRE: Yes.

THE COURT: Okay.

MR. HOCHBAUM: It was not my intent to do --

THE COURT: To go over any of it.

MR. HOCHBAUM: -- to either arraign him or go over the contents of it but simply to stand in for the purposes of adjourning it until tomorrow since Mr. Mehler couldn't be here.

THE COURT: That's fine. We'll adjourn the arraignment until tomorrow and hopefully even though he cannot be sure, we will hold the hearing then tomorrow afternoon at 2:00. And Ms. Argentieri will try to reach Mr. Mehler to advise him of this time.

Now, for the three attorneys here, Mr. McMahon, Mr. Fisher and Mr. Hochbaum, I want to confirm that you had the opportunity to review the three count indictment with respect to your clients.

MR. MCMAHON: Yes, your Honor. I have reviewed the indictment with my client, Vincent Asaro, and provided him with a copy as well.

THE COURT: Okay. And --

MR. HOCHBAUM: The same with me, Judge. I've gone over the charges with Mr. Ragano and he has a copy of the indictment.

MR. FISHER: I gave Mr. Asaro a copy of the indictment, as well (indiscernible).

THE COURT: Okay. But do you understand the nature of the charges? And I am directing my question to the three defendants standing before me --

THE DEFENDANTS: Yes.

THE COURT: -- concerning the racketeering enterprise and extortion. All right.

Do the defendants waive public reading of the charges?

MR. MCMAHON: Yes, your Honor.

MR. HOCHBAUM: Yes, your Honor.

THE COURT: And are they prepared to enter pleas to the --

MR. MCMAHON: Yes, Judge. Mr. Vincent Asaro vigorously pleads not guilty.

MR. HOCHBAUM: Mr. Ragano pleads not guilty, Judge.

MR. FISHER: Mr. Jerome Asaro (indiscernible).

THE COURT: So noted. I understand that the defendants are not prepared to address the question of bail and I assume you've had an opportunity or at least you've received a copy of the letter submitted by the government seeking to detain your respective clients.

MR. MCMAHON: Yes, Judge. We have been provided with a copy of the 63-page detention memo and we would like to have additional time to make a bail presentation.

THE COURT: Do you want to set a time now or do you want to -- I will give you the option to come back before at some point when you're ready.

MR. MCMAHON: Yes, Judge, I think we'll just -- we'll caucus amongst ourselves with counsel and then we'll notify the government when we would like to make our initial bail application to the Court.

THE COURT: All right. In light of the nature of the charges which the government correctly points out are crimes of violence, this Court is not prepared to release these defendants without a bail package. So, I will give you leave to present future bail package when you're in a position to do so.

MR. HOCHBAUM: Thank you, Judge.

MR. FISHER: Judge, there's only one other thing. I know each of the Asaros have medical conditions that they need (indiscernible) proper form.

THE COURT: Yes, we did discuss this off the record.

MR. FISHER: Yes, Judge.

THE COURT: So do give me as detailed a list as possible and we will fax it over to the MDC --

THE CLERK: (Indiscernible) Jerome Asaro.

THE COURT: Okay. For Mr. Jerome Asaro and then I understand and I will be --

MR. MCMAHON: We will be filling it out on behalf of Mr. Vincent Asaro -- we have the form -- right after this proceeding, your Honor and I would just like the record to reflect that he had triple bypass surgery last March, so he certainly is in need of medical attention.

THE COURT: Yes. And I already talked to the marshals as to what we've discussed off the record that he has one medication that he needs to take later today. So, they'll make arrangements for him to take it before he's transported to the MDC.

MR. MCMAHON: All right. Thank you.

THE COURT: Okay. Now as far as Mr. Asaro's concerned, Mr. Fisher, come up after we close these proceedings to discuss the specific conditions of your client because that will be useful information for the MDC doctors.

MS. ARGENTIERI: Judge?

MR. HOCHBAUM: Thank you very much, Judge.

MS. ARGENTIERI: Judge, just one more thing. So, just for the record, you're entering a permanent order of detention with leave for the defendants to amend it?

THE COURT: To come back and present a bail package --

MR. FISHER: Without prejudice.

THE COURT: -- without prejudice.

MS. ARGENTIERI: Understood. And we have a status conference date in front of Judge Ross February 19th at 11:00 a.m. and it's my understanding that the defendants are willing to waive time until then for purposes of the Speedy Trial clock.

MR. HOCHBAUM: That is correct, Judge. With regard to Mr Ragano, we executed a form of excludable delay until the next status conference.

MR. MCMAHON: Same with respect to Mr. Vincent Asaro, your Honor.

MR. FISHER: Same with Jerome Asaro, that date is (indiscernible).

THE COURT: I'm sure you'll be able to find a mutually convenient date for everybody and the Court.

Now in light of the nature of the charges, which stand considerable period of time and however many activities I think it's appropriate to exclude the time period from today until the 19th (indiscernible) in this case.

IN UNISON: Thank you, Judge.

(Matter concluded)

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C E R T I F I C A T E

I, LINDA FERRARA, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this **11th** day of **February**, 2014.

Linda Ferrara

Linda Ferrara

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